

REFERENCE TITLE: ELL; federal monies; duration

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2699

Introduced by
Representatives Lujan, Miranda B, Rios P, Senators Aboud, Miranda:
Representatives Campbell CL, Meza, Senators Garcia, Rios

AN ACT

AMENDING SECTIONS 15-756.01, 15-756.02, 15-756.03, 15-756.04 AND 15-756.11,
ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-756.01, Arizona Revised Statutes, is amended to
3 read:

4 15-756.01. Research based models of structured English
5 immersion for English language learners: budget
6 requests: definitions

7 ~~A. The Arizona English language learners task force is established in~~
8 ~~the department of education. The task force shall consist of:~~

9 ~~1. Three members appointed by the superintendent of public~~
10 ~~instruction.~~

11 ~~2. Two members who are appointed by the governor.~~

12 ~~3. Two members who are appointed by the president of the senate.~~

13 ~~4. Two members who are appointed by the speaker of the house of~~
14 ~~representatives.~~

15 ~~B. Members of the task force shall serve four year terms. Members of~~
16 ~~the task force shall elect a chairperson from among the members of the task~~
17 ~~force. The department of education shall provide adequate staff support for~~
18 ~~the task force.~~

19 ~~C. A.~~ By September 1, 2006 20__, ~~the task force~~ THE STATE BOARD OF
20 EDUCATION shall develop and adopt research based models of structured English
21 immersion programs for use by school districts and charter schools. The
22 models shall take into consideration at least the size of the school, the
23 location of the school, the grade levels at the school, the number of English
24 language learners and the percentage of English language learners. The
25 models shall be limited to programs for English language learners to
26 participate in a structured English immersion program not normally intended
27 to exceed one year. The ~~task force~~ STATE BOARD OF EDUCATION shall identify
28 the minimum amount of English language development per day for all models.
29 The ~~task force~~ STATE BOARD OF EDUCATION shall develop separate models for the
30 first year in which a pupil is classified as an English language learner that
31 ~~includes~~ INCLUDE a minimum of four hours per day of English language
32 development.

33 ~~D. B.~~ The research based models of structured English immersion
34 adopted by the ~~task force~~ STATE BOARD OF EDUCATION shall be the most
35 cost-efficient models that meet all state and federal laws.

36 ~~E. C.~~ The research based models of structured English immersion shall
37 be limited to a regular school year and school day. Instruction outside the
38 regular school year or school day shall be provided with compensatory
39 instruction and may be eligible for funding from the statewide compensatory
40 instruction fund established by section 15-756.11.

41 ~~F. D.~~ The research based models of structured English immersion shall
42 be submitted by the ~~task force~~ STATE BOARD OF EDUCATION to the president of
43 the senate, the speaker of the house of representatives, ~~AND~~ the governor
44 ~~and the state board of education.~~ At least thirty days before adoption, the
45 ~~task force~~ STATE BOARD OF EDUCATION shall submit the research based models of

1 structured English immersion to the joint legislative budget committee for
2 review.

3 ~~G.~~ E. The ~~task force~~ STATE BOARD OF EDUCATION shall review research
4 based models of structured English immersion annually and delete FROM, add TO
5 or modify the existing models. When adopting or modifying English language
6 learner programs, the ~~task force~~ STATE BOARD OF EDUCATION shall review and
7 consider the information and data obtained as a result of the department of
8 education's monitoring of English language learner programs pursuant to
9 section 15-756.08.

10 ~~H.~~ F. The ~~task force~~ STATE BOARD OF EDUCATION shall establish
11 procedures for school districts and charter schools to determine the
12 incremental costs for implementation of the research based models of
13 structured English immersion developed by the task force.

14 ~~I.~~ G. The ~~task force~~ STATE BOARD OF EDUCATION shall establish a form
15 for school districts and charter schools to determine the structured English
16 immersion budget request amount. Notwithstanding any other law, the maximum
17 amount of the budget request shall be the incremental costs of the model
18 selected offset by ~~the following monies:~~

19 ~~1. All federal title III monies and any other federal monies~~
20 ~~designated solely for the educational needs of English language learners.~~

21 ~~2. The portion of title I and title IIA monies determined by the~~
22 ~~English language learner population as a percentage of the qualified~~
23 ~~population.~~

24 ~~3. The portion of impact aid monies determined by the English language~~
25 ~~learner population as a percentage of the qualified population. A school~~
26 ~~district or charter school shall only apply unexpended impact aid monies to~~
27 ~~English language learner programs after it has applied its impact aid monies~~
28 ~~for other allowable uses as permitted by state law.~~

29 ~~4. The portion of desegregation monies levied pursuant to section~~
30 ~~15-910 determined by the English language learner population as a percentage~~
31 ~~of the qualified population.~~

32 ~~5.~~ the ELL support level weight prescribed in section 15-943.

33 ~~J.~~ H. The difference calculated pursuant to subsection ~~I~~ G of this
34 section shall be the maximum amount of the structured English immersion
35 budget request pursuant to section 15-756.03 for monies from the Arizona
36 structured English immersion fund established by section 15-756.04.
37 ~~Beginning July 15, 2008, school districts and charter schools shall not~~
38 ~~include the incremental costs of any pupil who is classified as an English~~
39 ~~language learner after July 1, 2007 and who has been classified as an English~~
40 ~~language learner for more than two years in the calculation of the school~~
41 ~~district's or charter school's structured English immersion budget request.~~

42 ~~K.~~ I. In consultation with the auditor general, the department of
43 education shall develop and adopt forms to be used by school districts and
44 charter schools to submit budget requests for the Arizona structured English

1 immersion fund, including the form prescribed in subsection ~~I~~ G of this
2 section.

3 ~~I~~ J. For the purposes of this section:

4 1. "Compensatory instruction" has the same meaning prescribed in
5 section 15-756.11.

6 2. "Incremental costs" means costs that are associated with a
7 structured English immersion program pursuant to section 15-752 or a program
8 pursuant to section 15-753 and that are in addition to the normal costs of
9 conducting programs for English proficient students. Incremental costs do
10 not include costs that replace the same types of services provided to English
11 proficient students or compensatory instruction.

12 Sec. 2. Section 15-756.02, Arizona Revised Statutes, is amended to
13 read:

14 15-756.02. School districts and charter schools; English
15 language learner models; adoption and
16 implementation

17 A. Each school district governing board and each governing body of a
18 charter school shall select one or more of the ~~task-force~~ STATE BOARD OF
19 EDUCATION approved models for structured English immersion for implementation
20 on a school by school basis.

21 B. If a school district or charter school wants to adopt an English
22 language learner program that is not based on a model adopted by the ~~task~~
23 ~~force~~ STATE BOARD OF EDUCATION, the school district or charter school shall
24 first submit the proposed program along with supporting documentation
25 regarding the expected outcomes of the program on the district's or charter
26 school's English language learner students to the ~~task-force~~ STATE BOARD OF
27 EDUCATION for approval.

28 C. On receipt of a proposed program from a school district or charter
29 school, the ~~task-force~~ STATE BOARD OF EDUCATION may do one of the following:

30 1. Approve the proposed program.

31 2. Provide limited approval subject to specific stipulations
32 prescribed by the state board.

33 3. Reject the proposed program and identify a model ~~approved by the~~
34 ~~task-force~~ IT APPROVES for the school district or charter school to adopt.

35 D. School districts and charter schools shall include a copy of the
36 adopted English language learner program in the annual report required in
37 section 15-756.10.

38 Sec. 3. Section 15-756.03, Arizona Revised Statutes, is amended to
39 read:

40 15-756.03. Structured English immersion; budget request

41 A. If a school district or charter school qualifies to submit a budget
42 request based on the form prescribed in section 15-756.01, subsection ~~I~~ G,
43 the school district or charter school shall submit a structured English
44 immersion budget request on a school by school basis. The budget request

1 shall be for a specific amount of supplemental monies from the Arizona
2 structured English immersion fund established by section 15-756.04.

3 B. Each school district or charter school structured English immersion
4 budget request shall include the signature of the superintendent of the
5 school district and the chief financial officer of the school district or the
6 principal of the charter school and the chief financial officer of the
7 charter school that certifies that the information in the budget request is
8 true to the best of that person's knowledge and has been calculated in
9 accordance with the form prescribed in section 15-756.01, subsection ~~F~~ G and
10 that monies from the Arizona structured English immersion fund established by
11 section 15-756.04 will not be used to supplant any federal, state or local
12 monies, including desegregation monies levied pursuant to section 15-910,
13 used for English language learners that were budgeted for English language
14 learners as of February 23, 2006.

15 C. Beginning July 1, 2007, each school district and charter school
16 that submits a structured English immersion budget request shall submit the
17 budget request to the department of education annually on or before
18 September 15. The department of education shall verify the budget request of
19 each school district and charter school for accuracy and compliance with the
20 form prescribed in section 15-756.01, subsection ~~F~~ G. The department shall
21 collect all school district and charter school budget requests and submit
22 them to the legislature for funding from the Arizona structured English
23 immersion fund established by section 15-756.04 at the same time as the
24 department's budget request.

25 Sec. 4. Section 15-756.04, Arizona Revised Statutes, is amended to
26 read:

27 15-756.04. Arizona structured English immersion fund

28 A. The Arizona structured English immersion fund is established. The
29 department of education shall administer the fund.

30 B. The department shall submit an annual request for an appropriation
31 for the purposes of this section.

32 C. In addition to the ELL support level weight prescribed in section
33 15-943, the department shall distribute monies from the fund to school
34 districts and charter schools in an amount specified in the budget request
35 prescribed in section 15-756.03, subsection C. ~~Monies from the fund
36 established by this section and monies for the ELL support level weight
37 prescribed in section 15-943 shall not be distributed for more than two
38 fiscal years for the same pupil. Nothing in this subsection shall be
39 construed to prohibit a school district or charter school from receiving
40 monies from the statewide compensatory instruction fund established by
41 section 15-756.11 for more than two fiscal years for the same pupil.~~

42 D. The superintendent of public instruction shall attempt to obtain
43 the maximum amount of federal funding that is available for English language
44 learner programs.

1 E. Each school district and charter school shall establish a local
2 level structured English immersion fund to receive monies distributed from
3 the Arizona structured English immersion fund. Monies in local level
4 structured English immersion funds shall be spent only to provide instruction
5 to English language learners. The auditor general shall modify the budget
6 format, financial record requirements, accounting forms and financial report
7 forms in accordance with this subsection. In consultation with the
8 department of education, the auditor general shall provide support and
9 guidance to assist school districts and charter schools in complying with
10 this subsection. Documents developed pursuant to this subsection shall be
11 reviewed by the ~~Arizona English language learners task force established by~~
12 ~~section 15-756.01~~ STATE BOARD OF EDUCATION and the joint legislative budget
13 committee.

14 F. School districts and charter schools shall use monies from the fund
15 to supplement existing programs for English language learners. Monies from
16 the fund shall not be used to supplant available monies used to pay for the
17 normal costs of conducting programs for English proficient students.

18 Sec. 5. Section 15-756.11, Arizona Revised Statutes, is amended to
19 read:

20 15-756.11. Statewide compensatory instruction fund; reporting;
21 definition

22 A. The statewide compensatory instruction fund is established. The
23 department of education shall administer the fund.

24 B. To be eligible for monies appropriated pursuant to this section, a
25 school district or charter school must demonstrate to the department of
26 education that it has established a satisfactory compensatory instruction
27 program. The department of education shall distribute monies from the fund
28 to school districts and charter schools in an amount determined by the
29 department for compensatory instruction costs.

30 C. School districts and charter schools shall annually submit written
31 compensatory instruction budget requests to the department on or before July
32 15 for monies from the fund on a form developed by the department. The
33 requests shall include an analysis of compensatory instruction effectiveness.

34 D. The written requests submitted by school districts and charter
35 schools shall be signed by the superintendent of the school district and the
36 chief financial officer of the school district or the principal of the
37 charter school and the chief financial officer of the charter school, and
38 monies from the statewide compensatory instruction fund shall not be used to
39 supplant any federal, state or local monies, including desegregation monies
40 levied pursuant to section 15-910, used for English language learners that
41 were budgeted for English language learners as of February 23, 2006.

42 E. School districts and charter schools shall use monies from the fund
43 to supplement existing programs. Monies shall not be used to supplant any
44 federal, state or local monies, including desegregation monies levied

1 pursuant to section 15-910, used for compensatory instruction that were
2 budgeted for English language learners as of February 23, 2006.

3 F. Each school district and charter school shall establish a local
4 level compensatory instruction fund to receive monies distributed from the
5 statewide compensatory instruction fund. Monies in local level compensatory
6 instruction funds shall be spent only for compensatory instruction. The
7 auditor general shall modify the budget format, financial record
8 requirements, accounting forms and financial report forms in accordance with
9 this subsection. In consultation with the department of education, the
10 auditor general shall provide support and guidance to assist school districts
11 and charter schools in complying with this subsection. Documents developed
12 pursuant to this subsection shall be reviewed by the ~~Arizona English language~~
13 ~~learners task force established by section 15-756.01~~ STATE BOARD OF EDUCATION
14 and the joint legislative budget committee.

15 G. For the purposes of this section, "compensatory instruction" means
16 programs in addition to normal classroom instruction that may include
17 individual or small group instruction, extended day classes, summer school or
18 intersession school and that are limited to improving the English proficiency
19 of current English language learners and pupils who were English language
20 learners ~~and who have been reclassified as English proficient within the~~
21 ~~previous two years.~~